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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,031	03/31/2004	Louis A. Lippincott	ITL.1713US (P18841)	9305
21906 7590 07/02/2008 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MARANDI, JAMES R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 07/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,031	Applicant(s) LIPPINCOTT, LOUIS A.	
	Examiner JAMES R. MARANDI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 6 recites **wherein the encoder includes a digital to analog converter.**

This is contrary to the disclosure as demonstrated in Figure 2 (240). Claim continues with **and wherein the intermediate video information includes analog pixel information.** It is not disclosed how a digital to analog converter is supposed to operate on analog input data!

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: *(See MPEP Ch. 2141)*

- a. Determining the scope and contents of the prior art;
 - b. Ascertaining the differences between the prior art and the claims in issue;
 - c. Resolving the level of ordinary skill in the pertinent art; and
 - d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.
3. Claims 1-5, 7-11, 13-19, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over X. Chen et al., USPN6,658,057 (hereinafter "Chen") in view of A.C.W. Lai et al., US Patent Application Publication No. 2002/0190876 (hereinafter "Lai"). Chen reference was provided by the applicant as part of IDS dated 8/31/2005.

Regarding claims 1, 9, 15, 17, 21, 22, 23, 24, and 27 Chen discloses a method, process, system, and computer code **comprising:**

a decoder (Fig. 1, element 12) to decode encoded video information (16) having a first format into intermediate video information (15) and to extract motion vectors from the encoded video information (Also Fig. 2, which is an expanded version of Fig.1; Col. 3, lines 66- 67; Col. 4, line 1);
an encoder (14) to encode the intermediate video information into output video information (17) having a second format using the motion vectors extracted from the encoded video information (Col. 4, lines 12-16).

Chen discloses MPEG format but fails to explicitly disclose other formats.

Furthermore, Chen does not explicitly disclose **a device to store the output video information from the encoder.**

However, in an analogous art, Lai substantially discloses ability to transcode amongst multiple media formats (Figs. 6, 7; Tables 1-5; Paragraph [136]).

Furthermore, Lai teaches **a device** (Fig. 2, element 212) **to store the output video information from the encoder** (Paragraphs [98], [137]).

Therefore, it would have been obvious to one of ordinary skills, at the time of invention, to modify the system of Chen with Lai's teaching to allow conversion amongst variety of video formats and storing said videos.

Regarding claims 2, 13, and 18, **wherein the first format and the second format have a common format** (Chen teaches an MPEG transcoder, where the input and output have the same format; Col. 3 lines 18-25, and 43-50)

Regarding claim 3, **wherein the common format includes MPEG-1, MPEG-2, MPEG-4, H.264, Windows Media Video version 9 (WMV9) or Advanced Video System (AVS)**, rejected by the same analysis as claims 1, and 2 (Lai, discloses several examples, Tables 2, 3, 4, and 5. It is obvious that variations of such formats are inherent in Lai's teaching, Paragraphs [8] and [63]).

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Claims 4, 14, and 19 are rejected by the same analysis as claim 3. As taught by Lai, see Figs. 6, 7.

Regarding claims 5, 10, and 25 **wherein the decoder is arranged to extract quantization data** (Chen Fig. 2, element 20; Col. 3, lines 29- 35), **picture data** (Col. 3, lines 63- 65), **or error data from the encoded video information.**

Regarding claim 7, **wherein the intermediate video information includes digital pixel information**, see Chen, Col. 3, lines 37- 50.

Regarding claims 8 **including: an output port to output the intermediate video information**, Chen amply demonstrates that the intermediate video is outputted to element 14 (the encoder).

Regarding claim 11, **wherein the converting includes: decoding the encoded video stream to generate a stream of uncompressed pixel data**, see Chen, Col. 4, lines 12- 19 where element 15 is uncompressed.

Regarding claim 16 **storing the intermediate video stream**, rejected as claim 1.

Regarding claim 26, **controlling a rate of the encoding using the quantization data and the picture data**, (Chen, Col. 4, lines 43- 48; Also Fig. 2, element 46).

4. Claims 6, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Lai, in further view of K. Washino, USPN 6,370,198 (hereinafter "Washino").

Regarding claims 6 (assuming that the applicant meant **wherein the encoder includes** an analog to digital converter as shown in Fig.2), 12, and 20, the system of Chen and Lai does not explicitly disclose an A/D converter as part of the encoder, **and wherein the intermediate video information includes analog pixel information.**

However, Washnio, in an analogous art, substantially discloses taking in digital inputs (Fig. 1, elements 120, and 122) and converting them to analog outputs. This is further detailed in Fig. 4, elements 404, 424, and 426. Washino further discloses that the output (426) is further inputted to another bus or device for further processing (Col. 15, lines 47- 59).

Therefore, it would have been obvious to one of ordinary skills, at the time of invention, to modify the system of Chen and Lai with Washino's teaching to further include analog signals for format conversions.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2623